

higher up told me to, and the law told him", that theory has already been repudiated. If it hasn't been repudiated, there are people at Nuremberg who were there who would question what you say. I think it would not be proper for the Legislature to expect the Executive Department to be presided over by an automaton. Check and balance means what it says. Not if the Legislature acts in an idiotic way that the executive should ratify that. If that would be the position the Legislature would take, were I the executive I'd veto every bill that the Legislature enacted. I'd veto every bill and say what you're trying to do is make this clanking machinery of government clank along even slower. Not only do you take grease off the axle, Senator Lewis, you square the wheel and expect it to roll along smoothly. What kind of logic is that? They don't even do that in Hollywood, unless it's a cartoon. This governmental machinery, contrary to what Senator Lewis and Senator Murphy want to imply, is imperfect. When Senator Lewis teaches civics to children his job also is to teach patriotism. To teach patriotism you have to tell them that your forefathers created the most perfect government in an imperfect world. Anything that could have been contemplated, they contemplated. Anything that could be seen far down the line, they saw it. They took all these things into consideration--nuclear power plants, lazer beams, rockets, space vehicles, they took all that into consideration. If you look at Article 4, Section 3 of such and such a provision of the Constitution and interpret it correctly you'll see right there the lazer beam provided for. That is what you have to tell children because they think simplistically. But as we grow up we have to stop seeing as a child and begin to bring to bear analytical skills and powers. When you have a joint and both of them are metal, you're going to make a joint you put a gasket between them because you can't make metal fit tight enough to keep the fluid, or whatever is going through, from coming out. Alright. You have an Executive Department and a Legislative Department and they don't fit tightly. So the gasket is the writ of mandamus. This, Senator Lewis, bears out what you said about looking down the line and saying that there would be public officials who, despite what the law says, will not carry out the dictates and requirements of the law. So the remedy is already there. If you pass a law that says don't steal and somebody steals, then you pass another law and say don't steal and this time I mean it. That is all the Legislature is doing with LB 45. What we have already in the law is a writ which can gain a court order directing an official to do or refrain from doing something. To not obey it places a person in contempt of court and subject to other penalties, and even removal from office. That already is there. What Senator DeCamp's amendment will do is say that the cost of bringing the writ in the circumstances that we're discussing here, will be assumed by the state. That citizen, whoever he or she may be, will not be out of the money. So why, when the conservatives want to say that this is the most perfect of all governments, are they going to deny that when it comes to a sticking point which has frustrated them? I'm not the one down here, as perhaps I should be, saying overthrow the government. Bring it down, shake it to its foundation, Senator Lewis, and let's see what it is made of.

SPEAKER LUEDTKE: One minute, Senator Chambers.

SENATOR CHAMBERS: I'm not saying that. What I'm saying is let the parts of the government that function smoothly continue to do so. If we pass a law then as far as the legislative authority given to us under the Constitution, Senator Lewis, teacher of civics, we have exhausted all of the power